

WEDNESDAY, FEBRUARY 11, 2004

FIFTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Ms. Sarah Lowe of Fortress Fellowship in Nashville, Tennessee, a guest of Senator Bryson.

PLEDGE OF ALLEGIANCE

Senator Person led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2183, 2184, 2341, 2430, 2434, 2739 and 2746.

COHEN, Chairperson
February 10, 2004

The Speaker announced that he had referred Senate Bills Nos. 2183, 2184, 2341, 2430, 2434, 2739 and 2746 to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2703 and 2730; also, recommend that Senate Bills Nos. 2096, 2155, 2367, 2627 and 3346 be referred to Committee on State and Local Government.

COOPER, Chairperson
February 10, 2004

WEDNESDAY, FEBRUARY 11, 2004 -- 59TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Bills Nos. 2703 and 2730 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2096, 2155, 2367, 2627 and 3346 to Committee on State and Local Government.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2153 and 2275; and Senate Resolutions Nos. 114, 115, 116 and 117.

PERSON, Chairperson
February 10, 2004

The Speaker announced that he had referred Senate Bills Nos. 2153 and 2275; and Senate Resolutions Nos. 114, 115, 116 and 117 to Committee on Calendar.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2912.

McNALLY, Chairperson
February 11, 2004

The Speaker announced that he had referred Senate Bill No. 2912 to Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2079 with amendment.

FORD, Chairperson
February 11, 2004

The Speaker announced that he had referred Senate Bill No. 2079 with amendment to Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2475, 2476, 2480, 2481, 2488, 2489, 2562 and 2563; also, recommend that Senate Bill No. 2111 be referred to Committee on State and Local Government.

HARPER, Chairperson
February 11, 2004

WEDNESDAY, FEBRUARY 11, 2004 -- 59TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Bills Nos. 2475, 2476, 2480, 2481, 2488, 2489, 2562 and 2563 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2111 to Committee on State and Local Government.

PRESENTATION

Senator Graves presented **Senate Joint Resolution No. 664** to Clark Flatt and members of the Jason Foundation.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3463 by Senator Ketron.

Maury County -- Subject to local approval, enacts the "2004 Human Resources Law".

Senate Bill No. 3464 by Senator Jackson.

Pulaski -- Subject to local approval, amends the residency requirement for the members of the police department of the City of Pulaski. Amends Chapter 711 of the Private Acts of 1949.

Senate Bill No. 3465 by Senator Herron.

Gleason -- Subject to local approval, changes town election from August to November and provides for salary of board to be set by ordinance. Amends Chapter 33 of the Private Acts of 1985.

Senate Bill No. 3466 by Senator Crutchfield.

Hamilton County -- Subject to local approval, revises hotel/motel tax to clarify that each violation means each day and to authorize imposition of civil penalty separately for each violation. Amends Chapter 905 of the Public Acts of 1980.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2438 -- Morristown -- Subject to local approval, revises civil service provisions in regard to probationary period of applicants for position in classified service. Amends Chapter 370 of the Private Acts of 1955; as amended.

House Bill No. 2822 -- Macon County -- Subject to local approval, moves probate court jurisdiction from general sessions court to chancery court.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 3462 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 739 by Senator Cooper.
Memorials, Retirement -- Bill Moore, TDOT.

Senate Joint Resolution No. 740 by Senator Cohen.
Memorials, Death -- Thomas Patrick Seigenthaler.

Senate Joint Resolution No. 741 by Senator Herron.
Memorials, Personal Occasion -- Josie Mae Scott, 100th birthday.

Senate Joint Resolution No. 742 by Senator Herron.
Memorials, Professional Achievement -- Mike Stockdale, Conservation Law Enforcement Award.

Senate Joint Resolution No. 743 by Senator Herron.
Memorials, Retirement -- Dick Tidwell.

Senate Joint Resolution No. 744 by Senator Herron.
Memorials, Death -- Professor David H. Cooper of UT-Martin.

Senate Joint Resolution No. 745 by Senator Herron.
Memorials, Death -- James R. "Bobby" Woods.

Senate Joint Resolution No. 746 by Senator Jackson.
General Assembly, Directed Studies -- Directs Department of Education to study and evaluate the quality of curriculums and policies and procedures relative to punishment utilized by Tennessee alternative schools and present findings and recommendations to the education oversight committee.

Senate Joint Resolution No. 747 by Senator Ramsey.
General Assembly, Studies -- Continues special joint committee on restructuring of electric utility industry until Feb. 28, 2005.

Senate Joint Resolution No. 748 by Senator Cooper.
Memorials, Personal Occasion -- Arthur Lorange, 95th birthday.

Senate Joint Resolution No. 749 by Senator Cooper.
Memorials, Death -- Melbourne Davis "M. D." Overton, Sr.

Senate Joint Resolution No. 750 by Senator Person.
Memorials, Sports -- Shaun Carl Micheel, Winner of 85th PGA Championship.

Senate Joint Resolution No. 751 by Senator Williams.
Memorials, Retirement -- Bill Moore.

Senate Joint Resolution No. 752 by Senator McLeary.
Memorials, Death -- Victoria Elizabeth Juergens.

Senate Resolution No. 123 by Senator Harper.

Memorials, Professional Achievement -- Mildred Parrish, Ewing Park Middle School's Teacher of the Year.

Senate Resolution No. 124 by Senators Burchett, Atchley and McNally.

Memorials, Public Service -- Christine Farmer, 2004 Top Middle Level Youth Volunteer, Prudential Spirit of Community Awards.

RESOLUTIONS LYING OVER

House Joint Resolution No. 838 -- Memorials, Personal Achievement -- Katherine Hayes.

The Speaker announced that he had referred House Joint Resolution No. 838 to Committee on Calendar.

House Joint Resolution No. 840 -- Memorials, Retirement -- Danny Cunningham.

The Speaker announced that he had referred House Joint Resolution No. 840 to Committee on Calendar.

House Joint Resolution No. 841 -- Memorials, Academic Achievement -- Perry L. Stout, Juris Doctor.

The Speaker announced that he had referred House Joint Resolution No. 841 to Committee on Calendar.

House Joint Resolution No. 842 -- Memorials, Personal Occasion -- Mr. and Mrs. Pond, 57th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 842 to Committee on Calendar.

House Joint Resolution No. 843 -- Memorials, Public Service -- Kingston Springs Fire Department.

The Speaker announced that he had referred House Joint Resolution No. 843 to Committee on Calendar.

House Joint Resolution No. 844 -- Memorials, Sports -- Terrence Bell, All-West Tennessee Offensive Player of the Year, football.

The Speaker announced that he had referred House Joint Resolution No. 844 to Committee on Calendar.

House Joint Resolution No. 845 -- Memorials, Death -- Reverend James Henry Walton.

The Speaker announced that he had referred House Joint Resolution No. 845 to Committee on Calendar.

House Joint Resolution No. 847 -- Memorials, Death -- John T. Bragg.

The Speaker announced that he had referred House Joint Resolution No. 847 to Committee on Calendar.

House Joint Resolution No. 848 -- Memorials, Recognition -- Ms. Jimmie Cowan.

The Speaker announced that he had referred House Joint Resolution No. 848 to Committee on Calendar.

Senate Joint Resolution No. 737 -- Memorials, Recognition -- Mr. Stonney Ray Lane.

The Speaker announced that he had referred Senate Joint Resolution No. 737 to Committee on Calendar.

Senate Joint Resolution No. 738 -- Memorials, Recognition -- Nashville Rotary Club.

The Speaker announced that he had referred Senate Joint Resolution No. 738 to Committee on Calendar.

MOTION

Senator Cooper moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 748**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 748 -- Memorials, Personal Occasion -- Arthur Lorange, 95th birthday.

On motion of Senator Cooper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 748** was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Burchett moved that **Senate Bill No. 2432** be recalled from the House, which motion prevailed.

MOTION

Senator McLeary moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 752**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 752 -- Memorials, Death -- Victoria Elizabeth Juergens.

On motion of Senator McLeary, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 752** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Trail moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 848**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 848 -- Memorials, Recognition -- Ms. Jimmie Cowan.

On motion of Senator Trail, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 848** was concurred in.

A motion to reconsider was tabled.

NOTICE

Pursuant to Rule 44, notice was given that the following resolutions were returned from the House of Representatives amended. Under the rule, the resolutions lie over.

MESSAGE FROM THE HOUSE

February 9, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 630, substituted for House Joint Resolution on same subject, amended, and concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 9, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 632, substituted for House Joint Resolution on same subject, amended, and concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Cohen moved that Rule 44 be suspended for the immediate consideration of **Senate Joint Resolutions Nos. 630 and 632**, out of order, which motion prevailed.

SENATE JOINT RESOLUTION ON HOUSE AMENDMENT

Senate Joint Resolution No. 630 -- General Assembly, Confirmation of Appointment -- Claire Whitfield Tucker, Board of Directors, Tennessee Education Lottery Corporation.

HOUSE AMENDMENT NO. 1

AMEND by deleting from the third whereas clause the language "five (5) years that will expire on June 30, 2008" and by substituting instead the language "three (3) years that will expire on June 30, 2006".

AND FURTHER AMEND by deleting from the resolving clause the language "five (5) year term to expire on June 30, 2008" and by substituting instead the language "three (3) year term to expire on June 30, 2006".

Senator Cohen moved that the Senate concur in House Amendment No. 1 to **Senate Joint Resolution No. 630**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

SENATE JOINT RESOLUTION ON HOUSE AMENDMENT

Senate Joint Resolution No. 632 -- General Assembly, Confirmation of Appointment -- Claire Whitfield Tucker, Board of Directors, Tennessee Education Lottery Corporation.

HOUSE AMENDMENT NO. 1

AMEND by deleting from the third whereas clause the language "three (3) year term that will expire on June 30, 2006" and by substituting instead the language "five (5) year term that will expire on June 30, 2008".

AND FURTHER AMEND by deleting from the resolving clause the language "three (3) year term to expire on June 30, 2006" and by substituting instead the language "five (5) year term to expire on June 30, 2008".

Senator Cohen moved that the Senate concur in House Amendment No. 1 to **Senate Joint Resolution No. 632**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 821 -- Memorials, Personal Achievement -- Jonathan Moss, Eagle Scout.

House Joint Resolution No. 822 -- Memorials, Personal Achievement -- Kevin Hobbs, Eagle Scout.

House Joint Resolution No. 823 -- Memorials, Personal Achievement -- Nicholas Paul Chapin, Eagle Scout.

House Joint Resolution No. 824 -- Memorials, Personal Achievement -- Samuel Wantland, Eagle Scout.

House Joint Resolution No. 826 -- Memorials, Public Service -- Glynn Blanton.

House Joint Resolution No. 831 -- Memorials, Public Service -- Jonathan Douglass Reid.

House Joint Resolution No. 832 -- Memorials, Personal Occasion -- Eulas Sargent, 87th birthday.

House Joint Resolution No. 833 -- Memorials, Professional Achievement -- Tracy Hoilman, TDE 2004 Teacher of the Year.

House Joint Resolution No. 834 -- Memorials, Death -- Thomas Arthur McNabb.

Senate Joint Resolution No. 730 -- Memorials, Public Service -- William L. "Bill" Ray.

Senate Joint Resolution No. 731 -- Memorials, Death -- Virginia Jones.

Senate Joint Resolution No. 732 -- Memorials, Death -- Deloris J. (Dee) Francis.

Senate Joint Resolution No. 735 -- Memorials, Death -- William Slayden II, Colonel, United States Army, Retired.

Senate Joint Resolution No. 736 -- Memorials, Heroism -- Private Justin E. Curtis, recipient of Purple Heart.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 2416 -- Schools, Private and Charter -- Provides that charter school is to administer state value added testing for its students. Amends TCA Section 49-13-111.

Senate Bill No. 2613 -- Education, Higher -- Includes additional medals as qualifying service for educational assistance benefits. Amends TCA Section 49-7-102.

Senate Bill No. 2619 -- Education, Higher -- Drops the number of semester hours from 150 to 136 that a student may accumulate before losing educational benefits for children of POWs, MIAs, and killed in action. Amends TCA Section 49-7-102.

Senate Bill No. 2620 -- Education, Higher -- Makes step-children, as well as natural or adopted children, eligible for waiver of tuition and fees for children of POWs, MIAs, or veterans killed in action. Amends TCA Section 49-7-102.

Senator Crowe moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2149 -- Health Care -- Revises certain licensure requirements for reflexology practitioners. Amends TCA Title 63, Chapter 30, Part 1.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by inserting the language "offered by an institution" between the word "course" and the word "approved" in the amendatory language of Section 1.

AND FURTHER AMEND by inserting the language "offered by an institution" between the word "course" and the word "approved" in the amendatory language of Section 2.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2149**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2236 -- Hospitals and Health Care Facilities -- Requires home care organizations that initiate hospice services after effective date of the act to obtain a certificate of need for such services. Amends TCA Title 68, Chapter 11.

Senate Bill No. 2236 passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2400 -- Sunset Laws -- Southeast interstate forest fire protection compact, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 4.

Senate Bill No. 2400 passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2402 -- Sunset Laws -- Controlled substance database advisory committee, June 30, 2010. Amends TCA Title 4, Chapter 29 and Title 53, Chapter 10.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding a new item thereto, as follows:

() Controlled substance database advisory committee, created by § 53-10-303;

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2402**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2403 -- Sunset Laws -- Center for earthquake research and information, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding a new item thereto, as follows:

() Center for earthquake research and information, created by § 49-8-602;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2403**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Graves moved that **Senate Bill No. 348** be placed on the calendar for Wednesday, February 18, 2004, which motion prevailed.

Senator Harper moved that **Senate Bill No. 2080** be placed on the calendar for Wednesday, February 25, 2004, which motion prevailed.

Senator Haynes moved that **Senate Bill No. 2681** be placed on the calendar for Wednesday, February 25, 2004, which motion prevailed.

Senate Bill No. 2253 -- Campaigns and Campaign Finance -- Prohibits candidate for local office transferring funds from such candidate's local campaign fund to such candidate's campaign fund for general assembly or governor. Amends TCA Section 2-10-114.

Senate Bill No. 2253 passed its third and final consideration by the following vote:

Ayes 24
Noes 6
Present, not voting . . . 1

Senators voting aye were: Atchley, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--24.

Senators voting no were: Beavers, Bryson, Burks, Herron, Kyle and Trail--6.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet immediately after session to consider **Senate Bill No. 2061**; furthermore, if the bill passes out of the committee it shall be placed on the regular calendar for Thursday, February 12, 2004, which motion prevailed.

RECALL OF BILL

On motion of Senator Jackson, **Senate Bill No. 3054** was recalled from the Committee on Transportation.

WITHDRAWAL OF BILL

On motion of Senator Jackson, Senate Bill No. 3054 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Burchett, **Senate Bill No. 2570** was recalled from the Committee on Transportation.

WITHDRAWAL OF BILL

On motion of Senator Burchett, Senate Bill No. 2570 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Kurita, **Senate Bills Nos. 2055, 2083 and 2084** were recalled from the Committee on Transportation.

WITHDRAWAL OF BILL

On motion of Senator Kurita, Senate Bills Nos. 2055, 2083 and 2084 were withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Kurita, **Senate Bill No. 3125** was recalled from the Committee on General Welfare, Health and Human Resources.

WITHDRAWAL OF BILL

On motion of Senator Kurita, Senate Bill No. 3125 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Kurita, **Senate Bill No. 2069** was recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator Kurita, Senate Bill No. 2069 was withdrawn from the Senate.

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Bill No. 2739** was recalled from the Committee on Calendar.

REFERRAL

On motion of Mr. Speaker Wilder, Senate Bill No. 2739 was referred to the Committee on Finance, Ways and Means.

MOTION

On motion of Senator Crowe, his name was added as sponsor of **Senate Bills Nos. 3297 and 3299.**

On motion of Senator Bryson, his name was added as sponsor of **Senate Joint Resolutions Nos. 27 and 142.**

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolutions Nos. 738 and 739.**

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 838.**

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 2079.**

On motion of Senator Person, his name was added as sponsor of **Senate Joint Resolution No. 730.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2613, 2619 and 2620.**

On motion of Senator Ketron, his name was added as sponsor of **House Joint Resolutions Nos. 821, 822, 823 and 824.**

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolution No. 834; and Senate Bills Nos. 600, 700, 703, 1168, 2801, 2855 and 3215.**

ENGROSSED BILLS

February 11, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2149, 2236, 2253, 2400, 2402, 2403, 2416, 2613, 2619 and 2620; and Senate Joint Resolutions Nos. 730, 731, 732, 735, 736, 748 and 752; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 11, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 752, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 11, 2004

The Speaker announced that he had signed the following: House Joint Resolution No. 752.

MESSAGE FROM THE GOVERNOR

February 11, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 2047, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 12, 2004: House Joint Resolutions Nos. 838, 840, 841, 842, 843, 844, 845 and 847; and Senate Joint Resolutions Nos. 737, 738 and 739.

This the 10th day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 12, 2004: Senate Bills Nos. 2183, 2184, 2341, 2430, 2434 and 2746.

This the 10th day of February, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 12, 2004: Senate Bills Nos. 1539 and 2329.

This the 10th day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Thursday, February 12, 2004: Senate Bill No. 2595.

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2061.

KYLE, Vice Chairperson
February 11, 2004

The Speaker announced that he had referred Senate Bill No. 2061 to Committee on Calendar.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, February 12, 2004, which motion prevailed.